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STINSON MORRISON HECKER LLP
ATTN: PATENT GROUP
1201 WALNUT STREET, SUITE 2800
KANSAS CITY MO 64106-2150

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OFFICE OF PETITIONS

In re Application of :
David H. Koch :
Application No. 10/672,684 : DECISION GRANTING PETITION
Filed: 26 September, 2003 :
Attorney Docket No. 506418-0103 :

This is a decision on the petition, filed on 5 November, 2004, under 37 CFR 1.137(f) which is treated as a petition to revive the above-identified nonprovisional application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on 20 September, 2004. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m);
and

(3) a statement that the entire delay in filing the
required reply from the due date of the reply until the
filing of a grantable petition was unintentional.

The present petition has been found to be in compliance with 37
CFR 1.137(f). Accordingly, the failure to timely notify the
Office of a foreign or international filing within 45 days after
the date of filing of such foreign or international application
as provided by 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded.

A Communication Regarding Rescission of Nonpublication Request
and/or Notice of Foreign Filing, which sets forth the projected
publication date of 9 June, 2005, is enclosed herewith.

The petition fee of \$1,370.00 will be charged to counsel's
deposit account, No. 19-4409, as authorized in the petition.

The application is being referred to Technology Center Art Unit
1723 for examination in due course.

Any inquiries concerning this decision may be directed to the
undersigned at 571.272.3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Communication Regarding Rescission of Nonpublication
 Request and/or Notice of Foreign Filing